IN THE SUPREME COURT OF THE STATE OF DELAWARE

§
§ No. 475, 2012
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§
§ Court Below—Superior Court
§ of the State of Delaware
§ in and for New Castle County
§ Cr. ID No. 1109013897
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Submitted: September 10, 2012 Decided: September 12, 2012

Before HOLLAND, BERGER and JACOBS, Justices

ORDER

This 12th day of September 2012, it appears to the Court that:

- (1) On August 28, 2012, the Court received the appellant's notice of appeal from the Superior Court's July 27, 2012 sentencing order.¹ Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 27, 2012 order should have been filed on or before August 27, 2012.
- (2) On August 28, 2012, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to

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¹ The Superior Court docket reflects that sentence was imposed and the sentencing order was signed on July 27, 2012.

show cause on September 10, 2012. The appellant states that his notice of appeal was untimely due to complications and inefficiencies at the prison.

- Pursuant to Rule 6(a) (ii), a notice of appeal from the (3) imposition of sentence must be filed within 30 days of the date sentence is imposed. Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.³ An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.4 Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁵
- There is nothing in the record before us reflecting that the (4) appellant's failure to file a timely notice is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989). ³ Supr. Ct. R. 10(a).

⁴ Carr v. State, 554 A.2d at 779.

⁵ Bev v. State, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger Justice